



forcalpra@gmail.com

Please USE EMAIL ONLY for all communication.

Town of Paradise; Paradise Police Department;
Dina Volenski, Town Clerk; Lauren Gill, Town Manager;
5555 Skyway
Paradise, CA 95969
dvolenski@townofparadise.com, lgill@townofparadise.com,
via email only

Our ref.
PD-2019-CAPRA-0105

Date
2019-02-09

RE: California Public Records Act Request – PD-2019-CAPRA-0105

To Whom It May Concern:

Thank you for your responses to our prior records requests. Analysis of disclosed records from your and other agencies has initiated some new requests.

Please provide the following public records pursuant to the California Public Records Act (the “Act”)¹ and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member.

“You” and “your,” below, refer to each of the one or more public agencies (Town of Paradise; Paradise Police Department;), and not merely the individual recipient or member, agent, officer, or employee of the public agency. If multiple agencies are addressed, a response from each is expected. All public records “prepared, owned, used, or retained”² by every agency³ named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile device may contain disclosable public records – please search them as appropriate. “Including” shall mean “including but not limited to.”

In your response please state which one or more agencies you are representing. If you are representing multiple agencies, please disclose records if any agency must disclose the record and withhold or redact a responsive record only if all agencies assert a statutory exemption to disclosure. Please make note of the reference number (PD-2019-CAPRA-0105) as I may have sent you multiple, distinct requests with different reference numbers.

Your responses and the contents of records disclosed may be published in the course of my research.

¹References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=

²Gov’t Code sec. 6252(e)

³See Gov’t Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

Since Act requests are not even required to be in writing⁴ and may not be distinguished by the purpose of the request,⁵ I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address.

I look forward to:

- your determination and reply to this request within 10 calendar days including estimated date of record availability;⁶
- prompt disclosure⁷ of all disclosable records responsive to this request,
- citation of legal authority for any records or portions thereof withheld⁸ and names and titles⁹ of each person responsible for such withholding;
- your assistance, as needed, in: (i) identifying and locating responsive records and overcoming objections to their disclosure,¹⁰ and (ii) segregating nondisclosable portions of responsive records so as to maximize disclosure of the disclosable portions;¹¹ and
- if necessary, assessment of the minimum required fees covering direct costs of duplication (but not costs of search, review, or redaction); (If your response would cause me to incur any fees, please contact me before performing such activities.)

in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”¹² and other applicable laws and regulations.

Request: All records of:

1. all EMMA (Emergency Managers Mutual Aid) form 1 (including part A and part B, and also unfulfilled part A’s only) with (A) a request date between (inclusive) November 7, 2018 and November 26, 2018; OR (b) an incident name or description of the Camp fire
2. all RIMS Mission Requests with (A) a request date between (inclusive) November 7, 2018 and November 26, 2018; OR (b) an incident name or description of the Camp fire
3. all approvals, denials, or changes recorded for items responsive to requests 1 or 2
4. all memoranda of agreement pertaining to assistance provided under the EMMA or other mutual aid plan for the Camp fire
5. all emails/SMS/MMS/instant messages to or from any officer or employee of the Federal Emergency Management Agency between (inclusive) November 7, 2018 and February 9, 2019.
6. all emails/SMS/MMS/instant messages to or from any Board Supervisor, other elected official, or employee of Butte County or its offices, departments, or boards, between (inclusive)

⁴“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.

⁵Gov’t Code sec. 6257.5

⁶Gov’t Code sec. 6253(c)

⁷Gov’t Code sec. 6253(b)

⁸Gov’t Code sec. 6255

⁹Gov’t Code sec. 6253(d)

¹⁰Gov’t Code sec. 6253.1(a)

¹¹Gov’t Code sec. 6253(a)

¹²Gov’t Code sec. 6253(e)



November 7, 2018 and February 9, 2019 containing any of the following keywords: Interim Housing; FEMA; urgency ordinance; Federal emergency management agency

7. Regarding public records access. We anticipate that you may object to a subset of the following requests because they request documents that will only be created in response to processing this request. If you object as such, we are happy to request them again after processing of this request is complete. Also note that these items also request records pertaining to past PRA requests, which should not be objectionable.
 - a) every memo, email, instruction, guideline or request sent within your agency to request that agency personnel identify or produce records responsive to this PRA request and our prior PRA requests PD-2018-CAPRA-0003 and PD-2018-CAPRA-0013. This also includes any search logs or commands you or your subcontractors (including Stratti) formulated or issued to computer systems to respond to each such PRA request. For example, in your prior response to PD-2018-CAPRA-0003 you included a record titled "1.2 Memo.pdf" – we are looking for all such similar records. Note that if you are asserting attorney-client privilege to exempt records, we request you still provide any such communications that are not requesting or responding with attorney advice.
 - b) every memo, email, or request sent to or from personnel of other public agencies (including Butte County, CAL OES, CAL FIRE, USFS, and FEMA) requesting guidance regarding disclosure of records to any PRA request from forcalpra@gmail.com. Note that if you are asserting attorney-client privilege to exempt records, we request you still provide any such communications that are not requesting or responding with attorney advice.

If your response would cause me to incur any fees, please contact me before performing such activities.

Please provide all records solely in electronic format¹³ and via e-mail. If a record is available on your public website, a URL is preferable. If it is not, please consider publishing it so as to benefit the entire public and not just me. **Please be sure to include any attachments or file-shared documents that are exhibits or attachments to any of the requested records, including emails.**

You may exclude from your response to this request any records you have already provided in full unredacted form in response to any of prior request from forcalpra@gmail.com. If however you are denying a request or withholding any record in full or part, please state as such with statutory justification.

¹³Gov't Code sec. 6253.9(a)



Thank you for your prompt attention to this matter.

Sincerely,

forcalpra@gmail.com

